

PATENTS
BURST-3 CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Mark O. Worthington
Application No. : 09/421,870
Filed : October 26, 1999
For : TRACKABLE OPTICAL DISCS WITH
CONCURRENTLY READABLE
NONOPERATIONAL STRUCTURES
Group Art Unit : 2752
Examiner : Not yet assigned



New York, New York 10020
January 21, 2000

Box MISSING PARTS
Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

REQUEST UNDER 37 C.F.R. § 1.27
FOR SMALL ENTITY STATUS

MAILED
APR 17 2000
Group 2700

Sir:

Pursuant to 37 C.F.R. § 1.27, applicant and assignee respectfully request Small Entity status for the purpose of paying reduced fees in the above-identified patent application. A Verified Statement (Declaration) Claiming Small Entity Status (37 C.F.R. 1.9(f) and 1.27(c)) - Small Business Concern, executed by the President of the assignee, is enclosed herewith.

Respectfully submitted,

Brett G. Alten
Reg. No. 42,258
Attorney for Applicant
and Assignee

I Hereby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to: PATENT &
TRADEMARK OFFICE
COMMISSIONER FOR
PATENTS
WASHINGTON, D.C. 20231

January 21, 2000

Signature of Person Signing

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000

Rev. 11/98

Modified PTO 1083
Not For A Small Entity



PATENTS

Atty Docket No. BURST-3 CIP2

Applicants : Mark O. Worthington
Application No. : 09/421,870
Filed : October 26, 1999
For : TRACKABLE OPTICAL DISCS WITH CONCURRENTLY
READABLE NONOPERATIONAL STRUCTURES
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TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☐ a Preliminary Amendment;
☐ a Supplemental Amendment; ☐ a substitute Specification; ☒ a Declaration;
☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of
Attorney; ☐ formal drawings; to be filed in the above-identified patent
application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR*	PRESENT EXTRA	RATE	ADDITIONAL
TOTAL CLAIMS	116	-	116	= 0 x \$18	= \$.00
INDEPENDENT CLAIMS	8	-	8	= 0 x \$78	= \$.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$260	= \$ 0.00
				TOTAL	\$0.00

* Filing fee being paid concurrently herewith.

- ☒ A check in the amount of \$3,068.00 in payment of the (filing) fee is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge \$ _____ to Deposit Account No. 06-1075 in payment of the fee for additional claims. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- ☐ The following extension fee is applicable to the Response filed herewith:
☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$380.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$870.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,360.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,850.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$110.00 ☐ \$380.00 ☐ \$870.00 ☐ \$1,360.00 ☐ \$1,850.00 in payment of the extension fee is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$110.00 ☐ \$380.00 ☐ \$870.00 ☐ \$1,360.00 ☐ \$1,850.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

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Addressed to: ASSISTANT
COMMISSIONER FOR
PATENTS
WASHINGTON, D.C. 20231 on

January 24, 2000
[Signature]
Signature of Person Signing

Brett Alten
Brett G. Alten
Registration No. 42,258
Attorney for Applicant

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000

Docket No. BURST-3-CIP2

Applicant Ark O. Worthington

Serial No. 09/421,870 **Filed** October 26, 1999

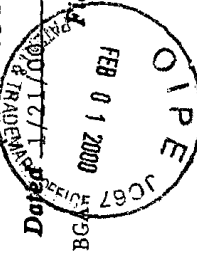
Receipt is hereby acknowledged of the

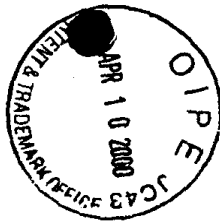
Transmittal Letter (in duplicate); Submission of Executed
Declaration and Filing Fee (in duplicate); attached executed
declaration: check for \$2,068.00 (Executed Declaration and
Filing Fee); Check for \$130.00 (Surcharge fee -37 CFR
1.16(e); Requester's fee \$1.27 For Small Entity Status;

Dated 1/21/2000 and attached Verified Statement
Claiming Small Entity Status.

Filed in connection with the above case.

**COMMISSIONER OF PATENTS
AND TRADEMARKS**





PATENTS
BURST-3 CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Mark O. Worthington
Application No. : 09/421,870
Filed : October 26, 1999
For : TRACKABLE OPTICAL DISCS WITH
CONCURRENTLY READABLE
NONOPERATIONAL STRUCTURES
Group Art Unit : 2752
Examiner : Not yet assigned

MAILED
APR 17 2000
Group 2700

New York, New York 10020
January 21, 2000

Box MISSING PARTS
Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

SUBMISSION OF EXECUTED
DECLARATION and FILING FEE

Sir:

Pursuant to 37 C.F.R. § 1.53(f), and in accordance with the requirement in the Notice to File Missing Parts dated November 26, 1999 (copy enclosed), submitted herewith is a Declaration executed by the inventor in the above-identified patent application, as well as a check in the amount of three thousand sixty eight dollars (\$3,068.00) in payment of the filing fee.

Because the fee amount is being paid after December 29, 1999, the amount is subject to the new fee schedule for 37 C.F.R. 1.16, 1.20, 1.492 fees, pursuant to a Notice of Final Rulemaking, Patent and Trademark Fee Revisions. Also, based on a recounting of the claims originally filed in this application, it is believed that the number of independent claims is 8 and the number of dependent claims is 116, making the filing fee \$3,068.00.

A check in the amount of one-hundred thirty dollars (\$130.00), in payment of the surcharge set forth in 37 C.F.R. § 1.16(e), is also enclosed. The Commissioner is hereby authorized to charge any additional surcharge due, or to credit any overpayment, in connection with this Submission, to Deposit Account No. 06-1075. A duplicate copy of this Submission is enclosed herewith.

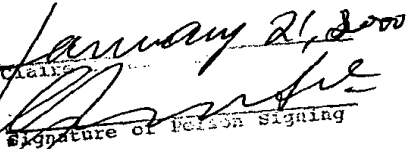
Respectfully submitted,



Brett G. Alten
Reg. No. 42,258
Attorney for Applicant

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000

I Hereby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to: ASSISTANT
COMMISSIONER FOR
PATENTS
WASHINGTON, D.C. 20501 on

January 21, 2000

Signature of Person Signing

CERTIFICATE OF MAILING

I hereby certify that on **April 5, 2000** this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

37 CFR 1.8(a)
☒ with sufficient postage
as first class mail

37 CFR 1.10
☐ as "Express Mail Post Office
to Addressee" Mailing Label
No. _____

Gayle Vinson
(Type or print name of person mailing paper)

(Signature of person mailing paper)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner of Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

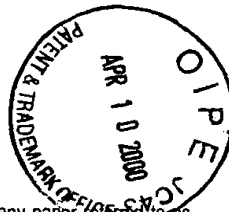
In response to the NOTICE TO FILE MISSING PARTS, dated February 7, 2000 (*copy attached*), applicant submits herewith a copy of the following documents which were filed with the United States Patent and Trademark Office on February 1, 2000: (1) Transmittal Letter; (2) Submission of Executed Declaration and Filing Fee; (3) executed DECLARATION; (4) copy of Check No. 43487 for \$3,068.00 (representing the filing fees); (5) copy of Check No. 43486 for \$130.00 (representing the surcharge); (6) Request Under 37 C.F.R. § for Small Entity Status; (7) Verified Statement Claiming Small Entity Status (Small Business Concern); and (8) copy of the postcard returned from the USPTO confirming receipt of the above-referenced documents.

Applicant also submits herewith a REVOCATION/APPOINTMENT OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT revoking all prior powers in this application and now appointing David J. Oldenkamp and all of Oppenheimer Wolff & Donnelly LLP to prosecute this application before the USPTO; and a STATEMENT UNDER 37 CFR 3.73(b) including a copy of the ASSIGNMENT.

Respectfully submitted,

Dated: April 5, 2000

David J. Oldenkamp
David J. Oldenkamp, Reg. 29,421
OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, Suite 3800
Los Angeles, California 90067
(310) 788-5000



2271

Seetor

PATENT

Attorney Docket No. 18950-21

Serial No. 09/421,870

Filed: October 26, 1999

Title: TRACKABLE OPTICAL DISCS WITH

CONCURRENTLY READABLE

NONOPERATIONAL STRUCTURES

Applicant: Worthington

Group Art Unit No. 2752

Examiner: n/a

#5
4-1-20
Missing
parts

RECEIVED
APR 17 2000
2700 MAIL ROOM

43487

FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

1-6/210
280

THE CITIBANK PRIVATE BANK
153 EAST 53RD STREET, SUITE NO. 2411
NEW YORK, NY 10043

DATE	CHECK NO.	CHECK AMOUNT
January 21, 2000	43487	\$3,068.00

PAY Three Thousand Sixty Eight & 0/100

TO
THE
ORDER
OF
Commissioner of Patents and
Trademarks
Washington, DC 20231

[Signature]
AUTHORIZED SIGNATURE

⑈043487⑈ ⑆021000089⑆ 400 43232805⑈

REMITTANCE ADVICE

FISH & NEAVE
251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

VENDOR NO.

VENDOR NAME

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
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Trademarks PTO Fee for Filing Worthington BURST-3
CIP2



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MAILED

APR 17 2000

Group 2700

43488

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280

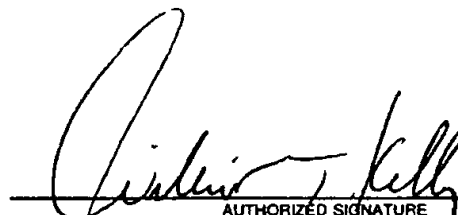
THE CITIBANK PRIVATE BANK
153 EAST 53RD STREET, SUITE NO. 2411
NEW YORK, NY 10043

DATE CHECK NO. CHECK AMOUNT

January 21, 2000 43488 \$40.00

PAY Forty & 0/100

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THE
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OF Commissioner of Patents and
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Washington, DC 20231


AUTHORIZED SIGNATURE

⑈043488⑈ ⑆021000089⑆ 400 43232805⑈

REMITTANCE ADVICE

FISH & NEAVE
251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

VENDOR NO.

VENDOR NAME

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
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Trademarks PTO Fee for Recordation of Assignment
of Patent Application under 37 CFR 3.41
Worthington BURST-3 CIP2
520.00

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43486

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280

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153 EAST 53RD STREET, SUITE NO. 2411
NEW YORK, NY 10043

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January 21, 2000 43486 \$130.00

PAY One Hundred Thirty & 0/100

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⑈043486⑈ ⑆021000089⑆ 400 43232805⑈

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FISH & NEAVE
251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

VENDOR NO.

VENDOR NAME

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
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Trademarks PTO Fee for Surcharge set forth in 37
CFR Sect 1.16(e) Worthington BURST-3 CIP2
520.003

CHECK DATE	CHECK NO.	TOTAL GROSS	TOTAL DEDUCTION	CHECK AMOUNT
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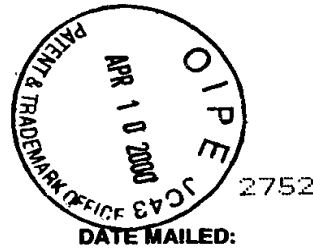


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/421,870	10/26/99	WORTHINGTON	M BURST-3-CIP2

BRETT G ALTEN
C/O FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104

0232/0207



NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☐ non-small entity is \$ 140.00

- ☒ 1. The statutory basic filing fee is:
☒ missing.
☐ insufficient.
Applicant must submit \$ 380.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. The following additional claims fees are due:
\$ 1170 for 130 total claims over 20.
\$ 195 for 5 independent claims over 3.
\$ 130 for multiple dependent claim surcharge.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
☒ is missing or unsigned.
☐ does not cover the newly submitted items.
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application was filed in a language other than English.
Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202